

## Department of Defense

214.407-3

### 213.7002 Procedures.

For acquisitions that are otherwise appropriate to be conducted using procedures set forth in this part, and also eligible for the 8(a) Program, contracting officers may use—

(a)(1) For sole source purchase orders not exceeding the simplified acquisition threshold, the procedures in 219.804-2(2); or

(2) For other types of acquisitions, the procedures in Subpart 219.8, excluding the procedures in 219.804-2(2); or

(b) The procedures for award to the Small Business Administration in FAR Subpart 19.8.

### 213.7003 Purchase orders.

#### 213.7003-1 Obtaining contractor acceptance and modifying purchase orders.

The contracting officer need not obtain a contractor's written acceptance of a purchase order or modification of a purchase order for an acquisition under the 8(a) Program pursuant to 219.804-2(2).

#### 213.7003-2 Contract clauses.

Use the clauses prescribed in 219.811-3 (1) and (3) for purchase orders under the 8(a) Program pursuant to the Memorandum of Understanding cited in 219.800.

## PART 214—SEALED BIDDING

### Subpart 214.2—Solicitation of Bids

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214.201-1 Uniform contract format.

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### Subpart 214.5—Two-Step Sealed Bidding

214.503 Procedures.

214.503-1 Step one.

AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36326, July 31, 1991, unless otherwise noted.

## Subpart 214.2—Solicitation of Bids

### 214.201-1 Uniform contract format.

Structure awards valued above the micro-purchase threshold (*e.g.*, contract line items, delivery schedule, and invoice instructions) in a manner that will minimize the generation of invoices valued at or below the micro-purchase threshold.

[65 FR 46626, July 31, 2000]

### 214.202 General rules for solicitation of bids.

#### 214.202-5 Descriptive literature.

(d) *Requirements of invitation for bids.* When brand name or equal purchase descriptions are used, use of the provision at FAR 52.211-6, Brand Name or Equal, satisfies this requirement.

[56 FR 36326, July 31, 1991, as amended at 63 FR 11528, Mar. 9, 1998; 64 FR 55633, Oct. 14, 1999]

## Subpart 214.4—Opening of Bids and Award of Contract

### 214.404 Rejection of bids.

#### 214.404-1 Cancellation of invitations after opening.

The contracting officer shall make the written determinations required by FAR 14.404-1 (c) and (e).

### 214.407 Mistakes in bids.

#### 214.407-3 Other mistakes disclosed before award.

(e) Authority for making a determination under FAR 14.407-3(a), (b) and (d) is delegated for the defense agencies, without power of redelegation, as follows:

(i) Defense Advanced Research Projects Agency: General Counsel, DARPA.

(ii) Defense Information Systems Agency: General Counsel, DISA.

(iii) Defense Intelligence Agency: Principal Assistant for Acquisition.

(iv) Defense Logistics Agency:

(A) General Counsel, DLA; and

(B) Associate General Counsel, DLA.

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(v) National Imagery and Mapping Agency: General Counsel, NIMA.

(vi) Defense Threat Reduction Agency: General Counsel, DTRA.

(vii) National Security Agency: Director of Procurement, NSA.

(viii) Ballistic Missile Defense Organization: General Counsel, BMDO.

(h) Send a signed copy of the document authorizing correction of the bid to the appropriate finance center with its copy of the contract.

[57 FR 42629, Sept. 15, 1992, as amended at 59 FR 27669, May 27, 1994; 61 FR 50452, Sept. 26, 1996. Redesignated and amended at 62 FR 34122, June 24, 1997; 64 FR 51076, Sept. 21, 1999]

### Subpart 214.5—Two-Step Sealed Bidding

#### 214.503 Procedures.

##### 214.503-1 Step one.

(a) Requests for technical proposals may be in the form of a letter.

[56 FR 36326, July 31, 1991, as amended at 57 FR 53599, Nov. 12, 1992]

## PART 215—CONTRACTING BY NEGOTIATION

Sec.

215.000 Scope of part.

### Subpart 215.2—Solicitation and Receipt of Proposals and Information

215.204-1 Uniform contract format.

215.204-2 Part I—The Schedule.

#### Subpart 215.3—Source Selection

215.303 Responsibilities.

215.304 Evaluation factors and significant subfactors.

215.305 Proposal evaluation.

#### Subpart 215.4—Contract Pricing

215.403 Obtaining cost or pricing data.

215.403-1 Prohibition on obtaining cost or pricing data.

215.403-5 Instructions for submission of cost or pricing data or information other than cost or pricing data.

215.404 Proposal analysis.

215.404-1 Proposal analysis techniques.

215.404-2 Information to support proposal analysis.

215.404-3 Subcontract pricing considerations.

215.404-4 Profit.

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215.404-70 DD Form 1547, Record of Weighted Guidelines Method Application.

215.404-71 Weighted guidelines method.

215.404-71-1 General.

215.404-71-2 Performance risk.

215.404-71-3 Contract type risk and working capital adjustment.

215.404-71-4 Facilities capital employed.

215.404-71-5 Cost efficiency factor.

215.404-72 Modified weighted guidelines method for nonprofit organizations other than FFRDCs.

215.404-73 Alternate structure approaches.

215.404-74 Fee requirements for cost-plus-award-fee contracts.

215.404-75 Fee requirements for FFRDCs.

215.404-76 Reporting profit and fee statistics.

215.406-1 Prenegotiation objectives.

215.406-3 Documenting the negotiation.

215.407-2 Make-or-buy programs.

215.407-3 Forward pricing rate agreements.

215.407-4 Should-cost review.

215.407-5 Estimating systems.

215.407-5-70 Disclosure, maintenance, and review requirements.

215.408 Solicitation provisions and contract clauses.

215.470 Estimated data prices.

AUTHORITY: 41 U.S.C. 421 and 48 CFR Chapter 1.

SOURCE: 63 FR 55040, Oct. 14, 1998, unless otherwise noted.

#### 215.000 Scope of part.

See 225.872 for additional guidance on procedures for purchasing from qualifying countries.

### Subpart 215.2—Solicitation and Receipt of Proposals and Information

#### 215.204-1 Uniform contract format.

Structure awards valued above the micro-purchase threshold (*e.g.*, contract line items, delivery schedule, and invoice instructions) in a manner that will minimize the generation of invoices valued at or below the micro-purchase threshold.

[65 FR 46626, July 31, 2000]

#### 215.204-2 Part I—The Schedule.

(g) When a contract contains both fixed-priced and cost-reimbursement line items or subline items, the contracting officer shall provide, in Section B, Supplies or Services and Prices/Costs, an identification of contract type specified for each contract line